IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.44210 of 2008
KAMESHWAR BAITHA @ UDHESHWAR BAITHA,
son of Jaggu Baitha, resident of village Dhachaba, P.S.
Bishrampur, District Palamu …. Petitioner
Versus
STATE OF BIHAR …… Opposite party

02/ 26.11.2008 Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case under Section 302 and other allied Sections of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the Criminal Law Amendment Act and has been named in the First Information Report along with 12 others.

It is submitted on behalf of the petitioner that the assailants are accused no.1, Basant Paswan and accused no.2 Nawal Mishra. It is further submitted on behalf of the petitioner that he is only a member of unlawful assembly, which fact be verified by the court below and if found correct, then petitioner, Kameshwar Baitha @ Udheshwar Baitha be released on bail on furnishing bail bond of Rs. 5,000/- (Rs. Five thousand only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram in Nauhatta P.S. Case No. 42 of 2002.

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Arjun/ **(V.N. Sinha, J.)**